

June 24, 1953

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Mr. Lon Walters, Warden
State Prison
Florence, Arizona

Dear Sir:

In response to your recent inquiry, it is our opinion that the State of Arizona can purchase certain barracks presently owned by the Town of Florence for the purpose of housing guards employed at the prison.

Title 42, United States Code Annotated, Section 15-81 (d) 2, provides that the Town of Florence may dispose of any right, title or interest in the property if the grantee is a state or political subdivision thereof and the property is to be used for housing.

Section 11-108, A.C.A. 1939, as amended, permits the State Land Commissioner, with the approval of the State Land Department, to accept transfers of real property.

Relative to the fund out of which payment is to be made for the above property, it is our opinion that payment should be made from the endowment earnings fund. Authority for this is found in Section 11-1105, A.C.A. 1939, which provides that the endowment funds shall be used for the "benefit and support" of the institutions named. The proper housing of guards employed at the State Prison would seem to be a benefit to the institution.

We hope the above information will be of assistance to you.

Yours very truly,

STEPHEN P. MOORHEAD
Assistant to the
Attorney General

SPM/CMG

53-68-L